

## SENATE BILL NO. 325

INTRODUCED BY GEBHARDT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISION OF INTERIOR ADVERTISING MATERIAL BY BREWERS, BEER IMPORTERS, AND WHOLESALERS TO RETAILERS; AND AMENDING SECTION 16-3-241, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 16-3-241, MCA, is amended to read:

**"16-3-241. Furnishing of fixtures or INTERIOR advertising matter to retailers by brewers, beer importers, and wholesalers unlawful -- exceptions.** (1) ~~(a) It shall be~~ is unlawful for any brewer, beer importer, or wholesaler to lease, furnish, give, or pay for any premises, furniture, fixtures, equipment, ~~signs~~, or any other advertising matter or any other property to ~~any a~~ retail licensee, used or to be used in the dispensation of beer in and about the interior ~~or exterior~~ of the place of business of ~~any the~~ licensed retailer, or ~~to~~ furnish, give, or pay for any repairs, improvements, or painting, ~~or decorating~~ on or within ~~such the~~ premises; ~~provided, however,~~ that it

~~(b) It shall be~~ is lawful for a brewer, beer importer, or wholesaler to furnish, give, or loan to a retail licensee:

~~(a)(i)~~ (i) bottle openers, can openers, and trays, TAP HANDLES, MENUS, APPAREL, coasters, glassware, cups, napkins, or other functional advertising matter that does not exceed \$300 in value at any one time in ANY 1 CALENDAR YEAR TO any one retail establishment FOR DISPLAY USE ON THE INTERIOR OF THE RETAIL ESTABLISHMENT; with or without advertising matter thereon;

~~(b) advertising matter or novelties, of a value of not to exceed \$50 per brewery or beer importer in any calendar year to any one retailer, for display use on the interior of said retailer's place of business;~~

~~(c) not more than two illuminated or electrical signs, each of not more than 630 square inches in area, which signs may bear the name, brand name, trade name, trademark, or other designation indicating the name of the manufacturer of beer and the place of manufacture, for display by the retail licensee on and within the interior of his place of business or in the windows inside the place of business of the licensed retailer and only if the particular brand of beer so advertised on such signs is actually available for sale on the licensee's premises~~

1 ~~at the time of such display; and~~

2 (II) NOT MORE THAN SIX ILLUMINATED OR ELECTRICAL SIGNS, NEON SIGNS, LAMPS, OR LIGHTED CLOCKS FOR EACH  
3 BRAND OF BEER IN ANY 1 CALENDAR YEAR TO ANY ONE RETAILER FOR DISPLAY USE WITHIN THE INTERIOR OF THE  
4 RETAILER'S PLACE OF BUSINESS. THESE SIGNS, DISPLAYS, LAMPS, OR LIGHTED CLOCKS MAY BEAR THE NAME, BRAND  
5 NAME, TRADE NAME, TRADEMARK, OR OTHER DESIGNATION INDICATING THE NAME OF THE MANUFACTURER OF BEER AND  
6 THE PLACE OF MANUFACTURE. ANY BEER ADVERTISED MUST BE AVAILABLE FOR SALE ON THE RETAILER'S PREMISES AT  
7 THE TIME THE DISPLAYS ARE USED UNLESS THE DISPLAYS ARE THE PROPERTY OF THE RETAILER OR, IF SUPPLIED BY A  
8 BREWER, BEER IMPORTER, OR WHOLESALER, A DISPLAY HAS BEEN IN THE RETAILER'S POSSESSION FOR MORE THAN 9  
9 MONTHS.

10 ~~(ii)(III) permanent or temporary advertising matter of a decorative nonfunctional nature, EXCLUDING ITEMS~~  
11 ~~DESCRIBED IN SUBSECTION (1)(B)(II) BUT INCLUDING neon signs, illuminated signs, NONELECTRIC clocks, lamps,~~  
12 ~~mirrors, banners, flags, and pennants; and~~

13 ~~(d)(iii)(IV) maintenance or repair services on draft beer equipment to keep it sanitary and in good working~~  
14 ~~condition.~~

15 (2) A wholesaler may furnish portable equipment used for the temporary cooling, handling, and  
16 dispensing of ~~draft~~ beer to a special permittee or a retailer for use:

17 (A) in catering an event that is off his the permittee's or retailer's regular premises; OR

18 (B) UP TO THREE TIMES A YEAR, ON A RETAILER'S REGULAR PREMISES, FOR A PERIOD NOT TO EXCEED 72  
19 HOURS."

20 - END -